

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MISSOURI PRIMATE FOUNDATION,
et al.,**

**Plaintiffs and
Counterclaim Defendants,**

v.

**PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, INC., et al.,**

**Defendants and
Counterclaim Plaintiffs.**

Case No. 4:16-cv-02163

**COUNTERCLAIM PLAINTIFFS’ OPPOSITION TO COUNTERCLAIM
DEFENDANT TONIA HADDIX’S MOTION TO COMPEL DISCOVERY**

Counterclaim Plaintiffs, People for the Ethical Treatment of Animals, Inc. and Angela Scott (together, “Plaintiffs”), submit this brief opposition to Counterclaim Defendant Tonia Haddix’s Motion to Compel Discovery (ECF No. 348; “Motion”).

Counterclaim Defendant Tonia Haddix (“Haddix”) asks this Court to compel Plaintiffs to “produce documents responsive to defendant’s Request for the Product of Documents.” Motion, at 1. Pursuant to the relevant case management order, all written discovery requests for documents were required to “be propounded no later than June 30, 2020.” [ECF No. 245.] More than fifteen months ago, the Court already advised Haddix that her deadline for written discovery had passed. [See ECF No. 269, at 7.] The Court’s allowance that “both sides may issue subpoenas in accordance with Rule 45 of the Federal Rules of Civil Procedure” in relation to the forthcoming hearing on Plaintiffs’ Fourth Motion for Contempt did not reopen other written discovery. Nor do the pretrial disclosure requirements of Rule 26(a)(3) apply to this evidentiary hearing.

In addition to the absence of any obligation for Plaintiffs to provide this information, they further note serious concerns about conveying the “names of witnesses they intend to use at the upcoming evidentiary hearing” to Haddix in light of her *assurances* of threats and intimidation. On December 30, 2021, Plaintiffs’ counsel conferred with Haddix in an attempt to resolve their dispute regarding Tonka. [Declaration of Jared Goodman, ¶ 2 (Dec. 6, 2021) (Ex. A).] During that conference, Plaintiffs’ counsel informed Haddix that they were in possession of her own written acknowledgment that Tonka is alive. [*Id.* ¶ 3.]

In response, Haddix went on a diatribe, explaining that when she finds out who provided that information, she is “going to beat their ass. Anybody who would ever betray me, I will get them.” [*Id.* ¶ 4.] She then asserted that she did not mean she would physically harm them, but that she would conspire with others to put them “out there on social media and be one of the most hated people in the United States, trust me.” [*Id.*] She further explained, “I will get them to send hate mail” and “to do all kinds of crazy. So let me tell you, it will be done.” [*Id.*] Haddix continued, “If you think the animal industry will tolerate a spy, you’re out of your mind.” [*Id.*] These threats likely violate, and if carried out would certainly violate, federal law. *See* 18 U.S.C. § 1512(b) (prohibiting using intimidation or threats to influence or prevent testimony); *id.* § 1512(d) (prohibiting harassing another and thereby hindering, preventing, or dissuading a person from testifying); *id.* § 1503(a) (prohibiting using threats to influence, obstruct, or impede the due administration of justice).

Accordingly, Plaintiffs respectfully urge the Court not to require Plaintiffs to “produce all exhibits and names of witnesses that they intend to use” in advance of the hearing, enabling Haddix to consummate her threats. If the Court should nonetheless require Plaintiffs to produce this information, they request that it be done only pursuant to a strict protective order that subjects

Haddix to severe penalties if she or her associates should proceed with the harassment campaign that she promises.

Dated: December 6, 2021

Respectfully submitted,

/s/ Jared Goodman
JARED GOODMAN (#1011876DC)
PETA Foundation
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323.210.2266
Fax No: 213.484.1648
jaredg@petaf.org

POLSINELLI PC
JAMES P. MARTIN (#50170)
KELLY J. MUENSTERMAN (#66968)
100 S. Fourth Street, Suite 1000
St. Louis, MO 63102
314.889.8000
Fax No: 314.231.1776
jmartin@polsinelli.com
Attorneys for Defendants/Counterclaim Plaintiffs